REMARKS / ARGUMENTS

This application is believed to be in condition for allowance because the claims, as amended, are believed to be non-obvious and patentable over the cited references. The following paragraphs provide the justification for this belief. In view of the following reasoning for allowance, the Applicant hereby respectfully requests further examination and reconsideration of the subject patent application.

1.0 Examiner Interview of November 13, 2008:

An Examiner Interview was conducted via telephone on November 13, 2008 between the Examiner, Mr. Martin Lerner, and Attorney for Applicants, Mr. Mark Watson to discuss claim 1 of the present application. No agreement was reached as to allowable subject matter during the interview.

During the Interview, Mr. Watson explained that the ***Shlomot*** reference (U.S. Patent 6,377,931) generally disclosed a process whereby signal stretching begins as soon as a signal packet is not received by an expected arrival time, or when the buffer is too low, and stops stretching as soon as late packets arrive in time to sufficiently replenish the jitter buffer so that subsequent packets can be played at a normal rate. (However, as discussed below in Section 2 of this response, upon further consideration of the ***Shlomot*** reference, Applicants respectfully suggest that the ***Shlomot*** reference discloses stretching and compression ***only*** as a function of buffer level ***without directly considering packet arrival times***.)

Mr. Watson then explained that in contrast to the process described by the ***Shlomot*** reference, the claimed invention disclosed the use of ***two different time periods*** that are used to control signal stretching ***in combination with the buffer level***. In particular, the Applicants first claim an "expected arrival time" which generally corresponds to a typical "late loss time" for use in determining whether a packet is declared to be lost. However, in contrast to conventional stretching schemes, the Applicants claim a system where the late

packet is identified as "missing" rather than lost when not received by the expected arrival time. Applicants then specify a "maximum delay period" during which stretching will be continued while waiting for the missing packet. Then, ***only after a packet is declared to be missing***, Applicants claimed system examines the buffer level and begins stretching if the "***signal buffer is less than a predetermined threshold***..."

Mr. Lerner then explained that he felt that the claimed determination of the maximum delay period as a function of buffer level was not well supported by the specification and that it might amount to "new matter."

Finally, Mr. Watson explained that he felt that the claims could be amended to further clarify the claimed "maximum delay period" while showing support for this limitation in the specification. Mr. Watson suggested that these amendments and arguments would be presented with a Request for Continued Examination.

2.0 Rejections under 35 U.S.C. §102(b):

In the Office Action of August 18, 2008, claims 1-8 and 11 were rejected under 35 U.S.C. §102(b), as being anticipated by U.S. Patent 6,377,931 to Shlomot (hereinafter "***Shlomot***").

A rejection under 35 U.S.C. §102(b) requires that the Applicant's invention was described in patent or printed publication more than one year prior to the application for patent by the Applicant. To establish that a patent describes the Applicant's invention, *all of the claimed elements of an Applicant's invention must be considered, especially where they are missing from the prior art*. If a claimed element is not taught in the referenced patent, then a rejection under 35 U.S.C. §102(b) is not proper, as the Applicant's invention can be shown to be patentably distinct from the cited reference.

In view of the following discussion, the Applicants will show that one or more elements of the Applicants claimed invention are missing from the cited art, and that the Applicants invention is therefore patentable over that cited art.

2.1 Rejection of Independent Claim 1:

The Office Action rejected independent claim 1 under 35 U.S.C. §102(b) based on the rationale that the ***Shlomot*** reference teaches the Applicants' claimed "system for providing adaptive playback of an audio signal received across a packet-based network…" However, the Applicants respectively suggest that independent claim 1, as amended, is patentably distinct from the cited reference.

In particular, in rejecting claim 1 over the ***Shlomot*** reference, the Office Action suggests, in part, that ***Shlomot*** teaches:

> "determining a maximum delay period for receiving any missing packets based on a current level of the signal buffer" - a slow event occurs when the rate of arrival between packets into jitter buffer 260 is significantly lower than a predetermined replay rate, or is lower than a low threshold rate corresponding to a low threshold level ("based on a current level of the signal buffer") of jitter buffer 260; thus, "a maximum delay period for receiving any missing packets" is defined by a slow event, which is a function of the fullness of jitter buffer 260;"

Further, in the Advisory Action dated September 15, 2008, the Examiner argued the following:

> "Firstly, Applicants say that Shlomot fails to disclose the limitation of "determining a maximum delay period." *However, it should be noted that the independent claims say that the maximum delay period is "based on a current level of the signal buffer". Specifically, Applicants' Specification does not disclose any method to calculate what the maximum delay period is. Applicants' maximum delay period is just a*

> *function of the playback rate and how full the buffer is.* (A complete consideration of the issue must distinguish from conventional "late loss" methods.) Shlomot discloses a standard playback rate and a slow event when the buffer level is below a threshold. Thus, a time of t+2 would be a maximum delay period in Figure 4A, where a packet P1 must be output as packet P3 is received, a packet P2 must be output as packet P4 is received, etc. Accordingly, it is maintained that an equivalent "maximum delay period" of t+2 is disclosed by Shlomot." (emphasis added)

In response, Applicants respectfully suggest that both the Examiner and the Applicants have incorrectly interpreted the ***Shlomot*** reference in the prior Office Actions and Responses. Applicants also note that the claimed ***determination*** of the maximum delay period was misstated by the prior amendment to the claims, and as such, claim 1 has been amended to better characterize the concept of the maximum delay period in view of the specification as originally filed.

In particular, with respect to the interpretation of the ***Shlomot*** reference, upon further consideration of the ***Shlomot*** reference, Applicants respectfully suggest that the ***Shlomot*** reference discloses stretching and compression ***only*** as a function of buffer level ***without considering expected packet arrival times***. In fact, the times (e.g. "t+2", etc.) illustrated in FIG. 4A and 4B of the ***Shlomot*** reference simply illustrate data flow at arbitrary time periods into and out of the jitter buffer of the ***Shlomot*** reference. For example, as explained in the Abstract of the ***Shlomot*** reference:

> "When the level of stored audio packets ***approaches the full capacity of the jitter buffer***, the rate at which the audio packets are played out of the jitter buffer is increased signaling a ***compression operation*** in the decoder. When the level of stored audio packets ***approaches an empty level of the jitter buffer***, the rate which the audio packets are played out of the jitter buffer is reduced signaling an ***expansion operation*** in the decoder." (emphasis added)

In other words, the ***Shlomot*** reference merely compresses the signal when the buffer is too full, and stretches the signal when the buffer is too empty. See for example FIG. 2 of the ***Shlomot*** reference where "buffer management 270" orders "fast playback 268" (i.e., compression) when there is a "jitter buffer 260" "overflow 266" condition, or "slow playback 269" (i.e., stretching) when there is a "jitter buffer 260" "underflow 267" condition. At no time are packet arrival times considered in this determination. In fact, as noted above, it is important to understand that the times (e.g., "t+2", etc.) illustrated in FIG. 4A and FIG. 4B, are only intended to illustrate a general timeline of buffer inflows and outflows, and that these times do not correspond to expected arrival times (e.g., "late loss" times). See for example, col. 7, line 5, through col. 8, line 40 of the ***Shlomot*** reference which generally explains that the buffer level is the sole determinant of whether stretching or compression will be applied based in the inflows and outflows of the jitter buffer.

Therefore, in contrast to the position advanced by the Office Action, while the "slow event" of the ***Shlomot*** reference is based on a "low threshold level… of jitter buffer 260" this "slow event" does ***not*** correspond to the claimed ***maximum delay period for receiving missing packets***.

In fact, as noted above, Applicants have amended claim 1 to further clarify the issues of "expected arrival time" and "maximum delay period." For example, claim 1, as amended, now recites "…*said expected arrival time representing a predetermined packet late loss time*…" As explained throughout the specification of the present application, "late loss" time are known to those skilled in the art as a predetermined time when packets will be declared to be lost if not received. For example, as explained in paragraph [0077] of the present application, "…conventional stretching schemes… declaring a packet as a "late loss" when it is not received within a predetermined period of time…" Note that the determination of estimated or expected arrival times is well known to those skilled in the art of network-based communications, and as such, the brief summary of these concepts presented in the present specification is sufficient for enablement with respect to the idea of late loss times and expected arrival times.

Next, as described throughout the specification, the claimed maximum delay period differs from the claimed expected arrival time, as representing an additional delay time following expiration of the expected arrival time during which the claimed system may still wait to receive a missing packet before it is actually declared lost. In particular, claim 1, as amended now recites: "…***specifying*** a maximum delay period, following the expected arrival time, for receiving any missing data packets…" Further, as noted above, the previously claimed ***determination*** of the maximum delay period was misstated by the prior amendment to the claims, and as such, claim 1 has been amended to better characterize the concept of the maximum delay period. For example, paragraph [0078] of the present application explains the following:

> "***In a tested embodiment, values for the delay time T on the order of about 20 ms to about 1 sec were used, with values of T around 100 ms typically providing good results***."

In other words, the specification, as originally filed disclosed the use of "delay times" on the order of about 20 ms to about 1 sec. The specification then further explained that delay times of around 100 ms typically provided good results in tested embodiments of the claimed system. Therefore, rather than determining the claimed delay period as a function of buffer level, the Applicants disclose a range of acceptable values which can be used. As such, Applicants have amended claim 1 to recite that the claimed delay period is specified rather than determined.

As previously explained by the Applicants, the claimed "***maximum delay period***" is a period ***during which missing packets may still be received*** following expiration of the claimed late loss time, and which controls how data in the signal buffer preceding the missing packets is stretched.

In particular, the pertinent portion of the claimed system generally operates as follows:

> ***determine that a packet is missing*** based on the claimed "expected arrival time," with this expected arrival time corresponding to a conventional "late loss" time;
>
> specify a ***maximum delay period*** extending past the expiration of the expected arrival time;
>
> ***following expiration of the expected arrival time***, evaluate the current level of the signal buffer, and if below a threshold, stretch only the portion of the signal preceding the missing packet the signal ***until*** one of two conditions occurs: 1) ***maximum delay period exceeded***, or 2) missing packet received;

Note that the concept of a "maximum delay period" in excess of the expected arrival time is described in detail paragraphs [0076] through [0078] of the specification of the present application (U.S. Patent Application Publication 20050058145 A1). In particular, paragraphs [0076] through [0078] recite the following:

> "[0076] In contrast, the adaptive audio playback controller described herein operates as a function of buffer content rather than packet receipt time. For example, unlike conventional stretching schemes, the audio playback controller begins stretching the contents of the buffer whenever a particular packet, e.g., packet n, arrives later than "scheduled." In this case, the signal existing in the buffer is stretched until the delayed packet arrives, or until it is eventually declared "lost."
>
> [0077] This process differs from conventional stretching schemes in that rather than immediately declaring a packet as a "late loss" when it is not received within a predetermined period of time, the contents of the buffer, the amount of stretching

already performed, and the reception of any subsequent packets are all used to determine an appropriate time for declaring that packet to be a late loss. Consequently, the adaptive audio playback controller provides a significantly increased packet receipt time prior to declaring a late loss for any given packet. As a result, packet "late loss" is significantly reduced, thereby resulting in a significantly reduced use of packet loss concealment processes for reducing artifacts in the signal, and a perceptibly cleaner signal playback.

[0078] In particular, rather than setting a time limit for declaring packet loss, the adaptive audio playback controller simply waits for the next packet to be received, or until one of several "loss conditions" are satisfied, as described below. ***For example, one such loss condition is to set a maximum delay time for packet receipt***. Given a sufficiently long delay time T, late loss will only be declared in relatively extreme delay cases, when a signal connection was lost, or when a talk spurt ended in the case where no information is sent about the end of the talk spurt. ***In a tested embodiment, values for the delay time T on the order of about 20 ms to about 1 sec were used, with values of T around 100 ms typically providing good results***." (emphasis added)

Therefore, since the ***Shlomot*** reference merely stretches the signal when the jitter buffer is low, and compresses the signal with the jitter buffer is high, without considering any expected arrival times, and without considering an additional delay period, it is clear that the ***Shlomot*** reference fails to disclose the claimed system.

Further, it is also important to note the conditions under which the claimed system terminates stretching. In particular, stretching in the claimed system is terminated under one of two conditions – whichever occurs first. First, stretching is terminated upon expiration of the claimed maximum delay period (which is an additional period of time extending past expiration of the expected arrival time). Second, stretching is terminated following receipt of the missing packet (assuming that the packet is received prior to expiration of the maximum delay period. In stark contrast, the ***Shlomot*** reference

terminates stretching solely as a function of jitter buffer level without consideration of either of the two conditions identified above. While it can be argued that receipt of a delayed packet could increase the level of the ***Shlomot*** jitter buffer to a level that terminates stretching, it is important to understand that it is ***not*** the receipt of the packet itself, but the effect of that receipt on the ***Shlomot*** jitter buffer. As such, it cannot be argued that ***Shlomot*** teaches termination of stretching based on receipt of a specific packet.

Thus, it should be clear that the claimed system is neither disclosed, nor in any way rendered obvious, by the cited ***Shlomot*** reference. Consequently, in view of the preceding discussion, it is clear that the present invention, as claimed by independent claim 1 has elements not disclosed in the ***Shlomot*** reference. Consequently, the rejection of claim 1 under 35 U.S.C. §102(b) is not proper. Therefore, the Applicants respectfully request reconsideration of the rejection of claim 1 and the claims dependent therefrom under 35 U.S.C. §102(b) in view of the language of claim 1. In particular, claim 1, as amended, recites the following novel language:

> "A system for providing adaptive playback of an audio signal received across a packet based network, comprising:
>
> storing data packets comprising a received audio data signal to a signal buffer;
>
> outputting parts of the signal present in the signal buffer as needed for signal playback;
>
> analyzing the data packets contained in the signal buffer to determine whether any data packets are missing, having not been received into the signal buffer by an expected arrival time, ***said expected arrival time corresponding to a late loss time***;
>
> ***specifying a maximum delay period, extending past the expiration of the expected arrival time, for receiving any missing data packets***;
>
> ***<u>following the expiration of the expected arrival time,</u> stretching at least part of the signal preceding the missing data packets present in the signal buffer, <u>until</u> any of <u>receiving the missing data packets</u> and <u>exceeding the</u>***

maximum delay period, ***when*** ***the analysis of the contents of the signal buffer indicates that the length of the signal in the signal buffer is less than a predetermined threshold***; and

compressing at least part of the signal present in the signal buffer when the analysis of the contents of the signal buffer indicates that the length of the signal in the signal buffer is greater than a predetermined threshold." (emphasis added)

2.2 Rejection of Independent Claim 8:

The Office Action rejected independent claim 8 under 35 U.S.C. §102(b) based on rationale similar to that presented with respect to claim 1. In particular, the Office Action argued that the ***Shlomot*** reference teaches the Applicants' claimed "system for providing an adaptive playback of received frames of an audio signal transmitted across a packet-based network…" However, the Applicants respectively suggest that independent claim 8, as amended, is patentably distinct from the cited reference.

In particular, in rejecting claim 8 over the ***Shlomot*** reference, the Office Action suggests, in part, that ***Shlomot*** teaches:

"determining a maximum delay period for receiving any missing packets based on a current level of the signal buffer" - a slow event occurs when the rate of arrival between packets into jitter buffer 260 is significantly lower than a predetermined replay rate, or is lower than a low threshold rate corresponding to a low threshold level ("based on a current level of the signal buffer") of jitter buffer 260; thus, "a maximum delay period for receiving any missing packets" is defined by a slow event, which is a function of the fullness of jitter buffer 260;"

Further, in the Advisory Action dated September 15, 2008, the Examiner argued the following:

> "Firstly, Applicants say that Shlomot fails to disclose the limitation of "determining a maximum delay period." *However, it should be noted that the independent claims say that the maximum delay period is "based on a current level of the signal buffer". Specifically, Applicants' Specification does not disclose any method to calculate what the maximum delay period is. Applicants' maximum delay period is just a function of the playback rate and how full the buffer is.* (A complete consideration of the issue must distinguish from conventional "late loss" methods.) Shlomot discloses a standard playback rate and a slow event when the buffer level is below a threshold. Thus, a time of t+2 would be a maximum delay period in Figure 4A, where a packet P1 must be output as packet P3 is received, a packet P2 must be output as packet P4 is received, etc. Accordingly, it is maintained that an equivalent "maximum delay period" of t+2 is disclosed by Shlomot." (emphasis added)

In response, Applicants respectfully suggest that both the Examiner and the Applicants have incorrectly interpreted the ***Shlomot*** reference in the prior Office Actions and Responses. Applicants also note that the previously claimed ***determination*** of the maximum delay period was misstated by the prior amendment to the claims, and as such, claim 8 has been amended to better characterize the concept of the maximum delay period in view of the specification as originally filed.

In particular, with respect to the interpretation of the ***Shlomot*** reference, upon further consideration of the ***Shlomot*** reference, Applicants respectfully suggest that the ***Shlomot*** reference discloses stretching and compression ***only*** as a function of buffer level ***without considering expected packet arrival times***. In fact, the times (e.g. "t+2", etc.) illustrated in FIG. 4A and 4B of the ***Shlomot*** reference simply illustrate data flow at arbitrary time periods into and out of the jitter buffer of the ***Shlomot*** reference. For example, as explained in the Abstract of the ***Shlomot*** reference:

> "When the level of stored audio packets ***approaches the full capacity of the jitter buffer***, the rate at which the audio packets are played out of the jitter buffer is increased signaling a ***compression operation*** in the decoder. When the level of

stored audio packets ***approaches an empty level of the jitter buffer***, the rate which the audio packets are played out of the jitter buffer is reduced signaling an ***expansion operation*** in the decoder." (emphasis added)

In other words, the ***Shlomot*** reference merely compresses the signal when the buffer is too full, and stretches the signal when the buffer is too empty. See for example FIG. 2 of the ***Shlomot*** reference where "buffer management 270" orders "fast playback 268" (i.e., compression) when there is a "jitter buffer 260" "overflow 266" condition, or "slow playback 269" (i.e., stretching) when there is a "jitter buffer 260" "underflow 267" condition. At no time are packet arrival times considered in this determination. In fact, as noted above, it is important to understand that the times (e.g., "t+2", etc.) illustrated in FIG. 4A and FIG. 4B, are only intended to illustrate a general timeline of buffer inflows and outflows, and that these times do not correspond to expected arrival times (e.g., "late loss" times). See for example, col. 7, line 5, through col. 8, line 40 of the ***Shlomot*** reference which generally explains that the buffer level is the sole determinant of whether stretching or compression will be applied based in the inflows and outflows of the jitter buffer.

Therefore, in contrast to the position advanced by the Office Action, while the "slow event" of the ***Shlomot*** reference is based on a "low threshold level… of jitter buffer 260" this "slow event" does ***not*** correspond to the claimed ***maximum delay period for receiving missing packets***.

In fact, as noted above, Applicants have amended claim 8 to further clarify the issues of "expected arrival time" and "maximum delay period." For example, claim 8, as amended, now recites "…*said expected arrival time representing a predetermined packet late loss time*…" As explained throughout the specification of the present application, "late loss" time are known to those skilled in the art as a predetermined time when packets will be declared to be lost if not received. For example, as explained in paragraph [0077] of the present application, "…conventional stretching schemes… declaring a packet as a "late loss" when it is not received within a predetermined period of time…" Note that the determination of estimated or expected arrival times is well known to those skilled in the art

of network-based communications, and as such, the brief summary of these concepts presented in the present specification is sufficient for enablement with respect to the idea of late loss times and expected arrival times.

Next, as described throughout the specification, the claimed maximum delay period differs from the claimed expected arrival time, as representing an additional delay time following expiration of the expected arrival time during which the claimed system may still wait to receive a missing packet before it is actually declared lost. In particular, claim 8, as amended now recites: "…***specifying a maximum delay period****, extending past the expiration of the expected arrival time, for receiving any missing data packets*…" Further, as noted above, the previously claimed ***determination*** of the maximum delay period was misstated by the prior amendment to the claims, and as such, claim 8 has been amended to better characterize the concept of the maximum delay period. For example, paragraph [0078] of the present application explains the following:

> "***In a tested embodiment, values for the delay time T on the order of about 20 ms to about 1 sec were used, with values of T around 100 ms typically providing good results***."

In other words, the specification, as originally filed disclosed the use of "delay times" on the order of about 20 ms to about 1 sec. The specification then further explained that delay times of around 100 ms typically provided good results in tested embodiments of the claimed system. Therefore, rather than determining the claimed delay period as a function of buffer level, the Applicants disclose a range of acceptable values which can be used. As such, Applicants have amended claim 8 to recite that the claimed delay period is ***specified*** rather than ***determined***.

As previously explained by the Applicants, the claimed "***maximum delay period***" is a period ***during which missing packets may still be received*** following expiration of the claimed late loss time, and which controls how data in the signal buffer preceding the missing packets is stretched.

In particular, the pertinent portion of the claimed system generally operates as follows:

> ***determine that a packet is missing*** based on the claimed "expected arrival time," with this expected arrival time corresponding to a conventional "late loss" time;
>
> specify a ***maximum delay period*** extending past the expiration of the expected arrival time;
>
> ***following expiration of the expected arrival time***, evaluate the current level of the signal buffer, and if below a threshold, stretch only the portion of the signal preceding the missing packet the signal ***until*** one of two conditions occurs: 1) ***maximum delay period exceeded***, or 2) missing packet received;

Note that the concept of a "maximum delay period" in excess of the expected arrival time is described in detail paragraphs [0076] through [0078] of the specification of the present application (U.S. Patent Application Publication 20050058145 A1). In particular, paragraphs [0076] through [0078] recite the following:

> "[0076] In contrast, the adaptive audio playback controller described herein operates as a function of buffer content rather than packet receipt time. For example, unlike conventional stretching schemes, the audio playback controller begins stretching the contents of the buffer whenever a particular packet, e.g., packet n, arrives later than "scheduled." In this case, the signal existing in the buffer is stretched until the delayed packet arrives, or until it is eventually declared "lost."
>
> [0077] This process differs from conventional stretching schemes in that rather than immediately declaring a packet as a "late loss" when it is not received within a predetermined period of time, the contents of the buffer, the amount of stretching

already performed, and the reception of any subsequent packets are all used to determine an appropriate time for declaring that packet to be a late loss. Consequently, the adaptive audio playback controller provides a significantly increased packet receipt time prior to declaring a late loss for any given packet. As a result, packet "late loss" is significantly reduced, thereby resulting in a significantly reduced use of packet loss concealment processes for reducing artifacts in the signal, and a perceptibly cleaner signal playback.

[0078] In particular, rather than setting a time limit for declaring packet loss, the adaptive audio playback controller simply waits for the next packet to be received, or until one of several "loss conditions" are satisfied, as described below. ***For example, one such loss condition is to set a maximum delay time for packet receipt***. Given a sufficiently long delay time T, late loss will only be declared in relatively extreme delay cases, when a signal connection was lost, or when a talk spurt ended in the case where no information is sent about the end of the talk spurt. ***In a tested embodiment, values for the delay time T on the order of about 20 ms to about 1 sec were used, with values of T around 100 ms typically providing good results***." (emphasis added)

Therefore, since the ***Shlomot*** reference merely stretches the signal when the jitter buffer is low, and compresses the signal with the jitter buffer is high, without considering any expected arrival times, and without considering an additional delay period, it is clear that the ***Shlomot*** reference fails to disclose the claimed system.

Further, it is also important to note the conditions under which the claimed system terminates stretching. In particular, stretching in the claimed system is terminated under one of two conditions – whichever occurs first. First, stretching is terminated upon expiration of the claimed maximum delay period (which is an additional period of time extending past expiration of the expected arrival time). Second, stretching is terminated following receipt of the missing packet (assuming that the packet is received prior to expiration of the maximum delay period. In stark contrast, the ***Shlomot*** reference

terminates stretching solely as a function of jitter buffer level without consideration of either of the two conditions identified above. While it can be argued that receipt of a delayed packet could increase the level of the ***Shlomot*** jitter buffer to a level that terminates stretching, it is important to understand that it is ***not*** the receipt of the packet itself, but the effect of that receipt on the ***Shlomot*** jitter buffer. As such, it cannot be argued that ***Shlomot*** teaches termination of stretching based on receipt of a specific packet.

Thus, it should be clear that the claimed system is neither disclosed, nor in any way rendered obvious, by the cited ***Shlomot*** reference. Consequently, in view of the preceding discussion, it is clear that the present invention, as claimed by independent claim 8 has elements not disclosed in the ***Shlomot*** reference. Consequently, the rejection of claim 8 under 35 U.S.C. §102(b) is not proper. Therefore, the Applicants respectfully request reconsideration of the rejection of claims 8-17 under 35 U.S.C. §102(b) in view of the language of claim 8. In particular, claim 8, as amended, recites the following novel language:

> A system for providing an adaptive playback of received frames of an audio signal transmitted across a packet-based network, comprising:
>
> receiving and decoding data frames of an audio signal transmitted across a packet-based network;
>
> storing the decoded data frames to a signal buffer;
>
> analyzing the contents of the signal buffer to determine whether any data frames are missing due to corresponding data packets having not been received by an expected arrival time, ***said expected arrival time representing a predetermined packet late loss time***;
>
> ***specifying a maximum delay period, extending past the expiration of the expected arrival time***, for receiving any missing data packets;
>
> outputting one or more of the decoded frames present in the signal buffer when the analysis of the contents of the signal buffer indicates that the length of the signal in the signal buffer is between a predetermined minimum and a predetermined maximum buffer size;

following the expiration of the expected arrival time, ***stretching*** and outputting one or more decoded frames preceding the missing data packets in the signal buffer, ***until any of receiving the missing data packets and exceeding the maximum delay period, when the analysis of the contents of the signal buffer indicates that the length of the decoded frames in the signal buffer is less than the predetermined minimum buffer size***; and

compressing and outputting one or more decoded frames in the signal buffer when the analysis of the contents of the signal buffer indicates that the length of the decoded frames in the signal buffer is greater than the predetermined maximum buffer size." (emphasis added)

2.0 Rejections under 35 U.S.C. §103(a):

The Office Action rejected dependent claims 3-4, 5-6, 7, 12-15, 16-17, 19, and 21 under 35 U.S.C. §103(a) based on the rationale that the ***Shlomot*** reference discloses the Applicants claimed systems when combined with various additional references. However, as discussed above in Sections 2.1 and 2.2, the parent claims (i.e., claims 1 and 8) of dependent claims 3-4, 5-6, 7, 12-15, 16-17, 19, and 21 have been shown to be allowable in view of the cited ***Shlomot*** reference. Therefore, the use of additional references in an attempt to address particular features of various dependent claims fails to show a prima facie case of obviousness as required under 35 U.S.C. §103(a). Therefore, the Applicants respectfully request reconsideration of the rejection of claims 3-4, 5-6, 7, 12-15, 16-17, 19, and 21 in view of the patentability of their respective parent claims, as discussed above.

CONCLUSION

In view of the above discussion, it is respectfully submitted that claims 1-21 are in immediate condition for allowance. Accordingly, the Examiner is respectfully requested to withdraw the outstanding rejection of claims 1-17, 19 and 21, and objection to claims 18 and 20, and to pass this application to issue at the earliest opportunity. Additionally, in an effort to further the prosecution of the subject application, the Applicant kindly invites the Examiner to telephone the Applicant's attorney at (805) 278-8855 if the Examiner has any additional questions or concerns.

Respectfully submitted,

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